SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1941

No. 1160

BOARD OF TRUSTEES OF THE TOWN OF CEBOLLETA LAND GRANT,

Appellant,

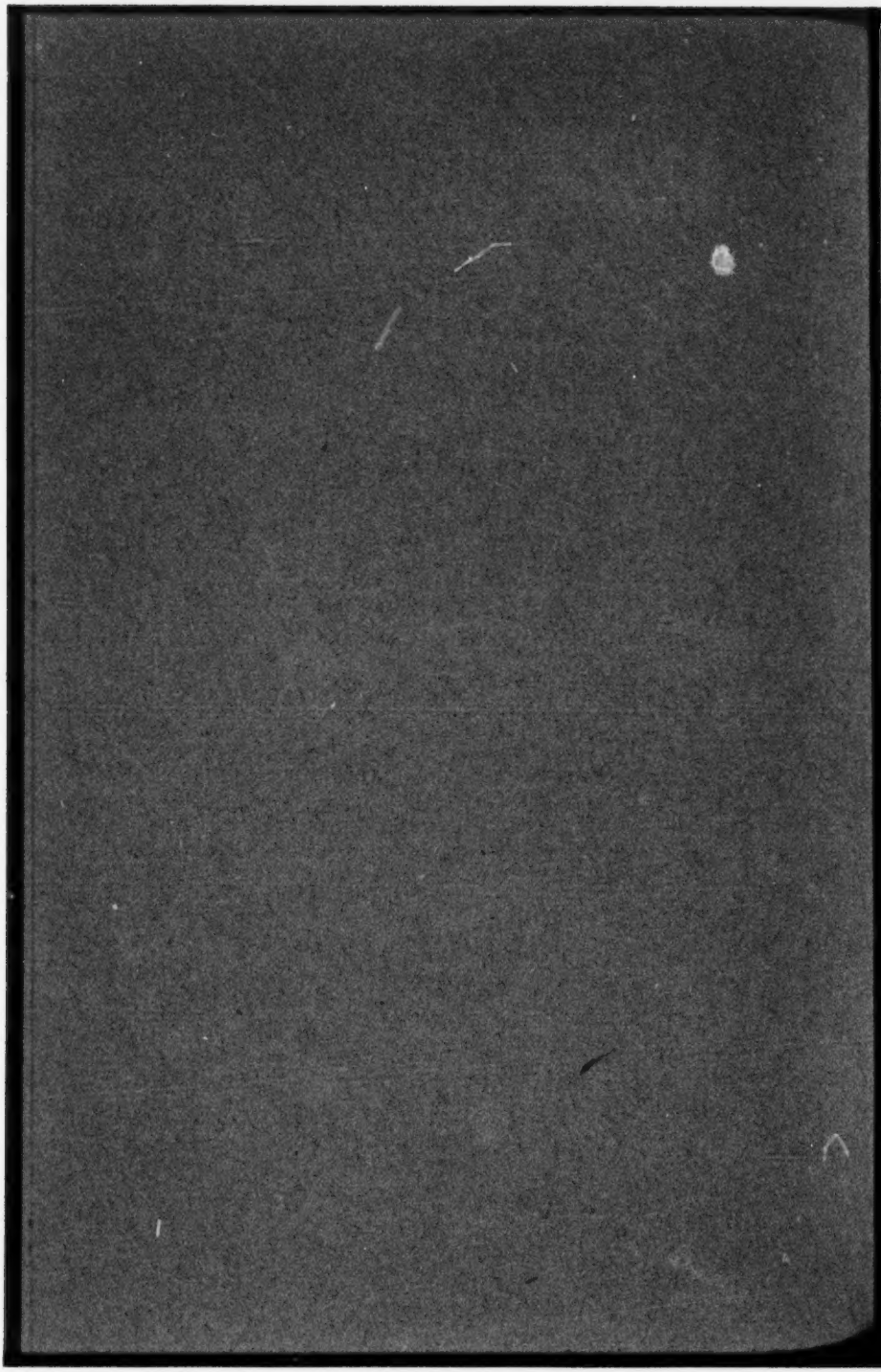
vs.

L BAR CATTLE COMPANY, INC., a Corporation.

APPEAL FROM THE SUPREME COURT OF THE STATE OF NEW MEXICO.

STATEMENT OF JURISDICTION.

GEORGE S. KNOX,
Counsel for Appellant.



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Pursuant to Rule 12, Paragraph I of the Rules of the Supreme Court of the United States, the appellant, Board of Trustees of the Town of Cebolleta Land Grant, et als., files this statement showing the basis upon which appellant contends that the Supreme Court of the United States has jurisdiction upon appeal to review the judgment in question:

I.

Jurisdiction.

The statutory provision believed to sustain the jurisdiction (a) the final Judgment or Decree in suit No. 1727 in

the District Court of the County of Sandoval, State of New Mexico, filed in the office of the Clerk of the District Court of the said County of Sandoval, on the 2nd day of April, 1940. In which suit the plaintiff, L Bar Cattle Company, Inc., a corporation, filed a suit to establish its estate against adverse claims of the defendants therein, among said defendants of which defendants, the Board of Trustees of the Town of Cebolleta Land Grant, naming the individuals of said Board of Trustees, to-wit: Jose O. Jaramillo, Alberto Anzures, Demetrio Chavez, Vicente Vallegos, and Luz Apodaca.

Pursuant to an act of the Congress of the United States, enacted and approved by the then President of the United States on the 3rd day of March, 1869. Said act of Congress, and the approval thereof being to-wit:

> March 3, 1869. Chap. CLII—An Act to confirm certain private land Claims in the Territory of New Mexico.
>
> *Certain Private Land Claims in New Mexico Confirmed.*
>
> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That private land claims numbered forty-one, forty-two, forty-four *forty-six,* and forty-seven, Territory of New Mexico, as known and designated by the numbers aforesaid in the reports of the surveyor-general of said Territory and on the books of the commissioner of the General Land office, be, and the same are hereby confirmed:
>
> *Certain rights not affected.*
>
> Provided, that such confirmation shall only be construed as a quit-claim on (or) relinquishment of all title or claim on the part of the United States to any of the lands not improved by or on behalf of the United States, and not including any military or other reservation embraced in either of the said claims, and shall not

affect the adverse rights of any person or persons to the same, or any part or parcel thereof.

Claims to be surveyed and platted, and patents to issue.

Section 2. And be it further enacted, That the commissioner of the general land office shall, without unreasonable delay, cause the lands embraced in said several claims to be surveyed and platted, at the proper expense of the claimants thereof, and upon the filing of said surveys and plats in his office he shall issue patents for said lands in said Territory which have heretofore been confirmed by Acts of Congress and surveyed, and plats of such survey filed in his office as aforesaid, but for which no patents have heretofore been issued.

Surveys to conform to public surveys.

Section 3. And be it further enacted, That all surveys authorized by this act shall conform to and be connected with public surveys of the United States in said Territories, so far as the same can be done consistently with landmarks and boundaries specified in the several grants upon which said claims are founded:

Proviso.

Provided, however, that when said lands are so confirmed, surveyed, and patented, they shall in each case be held and taken to be in full satisfaction of all further claims or demands against the United States.

Approved, March 3, 1869.

The private land claim recited herein, being private land claim No. 46, and which private land claim includes the Town of Cebolleta Land Grant, and the appellant in this suit.

The statutory provision believed to sustain the jurisdiction is Sec. 344 (a) of Title 28 of the United States Code (Judicial Code, Sec. 237, as amended).

Pursuant to provision, Chapter 29, entitled "Community Land Grants", and set forth in New Mexico Statutes Annotated, Compilation 1929, page 400, and is set forth in sections 29-901, 29-902, 29-903, page 414. In these sections the Cebolleta Land Grant is designated as "Sevilleta De La Joya Grant."

II.

Nature of Case.

It is shown by the evidence in this case that the Board of Trustees of the Town of Cebolleta Land Grant have fulfilled their duties as required by law, and have had four meetings each year, they have kept records of each meeting, and in every respect have complied with the Federal Statute set forth herein. In the answer of the Board of Trustees of the Town of Cebolleta Land Grant, there is set forth the United States Land Patent, said patent is made a part of the answer of the Board of Trustees of the Town of Cebolleta Land Grant, the grantees therein being thirty in number. Among the covenants of said grantees is the following recital:

> "*TO HAVE AND TO HOLD* the said tract of land with appurtenances unto the said *Inhabitants of the Town of Cevolleta* their successors and assigns forever, with the stipulations aforesaid."

In the reply of the plaintiff, L Bar Cattle Company, Inc., a corporation, to the answer of the defendants Board of Trustees of the Town of Cebolleta Land Grant, the United States Land Patent was admitted by the plaintiff. The land conveyed to the grantees is specifically described, and the object set forth therein as to the boundaries were of a permanent nature. The acreage conveyed contained 199,-567.92 acres according to the survey thereof, and is designated on the plats of the official survey of said grant.

The lands described in the answer of the defendant, Board of Trustees of the Town of Cebolleta Land Grant, said lands being situated in the Counties of Valencia and Sandoval, New Mexico, and which lands are the same lands that are claimed to be owned by the L Bar Cattle Company, Inc., a corporation, and plaintiff in this suit, said lands are specifically described, to-wit:

All that certain 20,000 acre Westerly part of the tract of land commonly known as the Capitan Antonio Baca Grant or Nuestra Senora de la Luz de las Lagunitas Grant lying in Sandoval County, New Mexico, which said 20,000 acre tract is described as follows, to-wit:

Beginning at the Northeast Corner of the tract, a point on the north boundary of the Grant, 1.88 chains east of the 3 mile corner, and running

thence West 89.88 chains to the Northwest corner of the grant and the Northwest corner of the tract;
thence along the West boundary of the tract and the Grant South 18° 30′ East 10.00 chains;
thence South 41° 30′ East 16.90 chains;
thence South 8° 12′ East 11.98 chains;
thence South 2° 45′ East 50.32 chains;
thence South 33° 30′ West 65.25 chains;
thence South 57° 00′ West 49.91 chains;
thence South 45° 30′ West 7.86 chains;
thence South 53° 00′ West 9.39 chains;
thence South 89° 15′ West 94.42 chains;
thence South 50° 00′ West 114.48 chains;
thence South 42° 00′ West 93.80 chains;
thence South 1° 15′ East 43.59 chains;
thence South 4° 00′ East 15.44 chains;
thence South 1° 10′ West 29.06 chains;
thence South 12° 20′ East 71.54 chains;
thence South 15° 45′ East 26.08 chains;
thence South 0° 45′ East 70.51 chains;
thence South 28° 30′ West 13.92 chains;
thence South 36° 30′ West 19.91 chains;
thence South 24° 00′ West 21.50 chains;

thence South 29.50 chains to the Southwest corner of the Grant and Tract;
thence along the South boundary of Grant and Tract North 71° 30′ East 6.20 chains;
thence North 73° 15′ East 4.80 chains;
thence North 70° 00′ East 4.15 chains;
thence North 63° 30′ East 3.15 chains;
thence North 39° 30′ East 2.50 chains;
thence North 51° 30′ East 4.40 chains;
thence South 72° 15′ East 6.50 chains;
thence North 56° 30′ East 8.30 chains;
thence North 81° 39′ East 24.50 chains;
thence South 68° 00′ East 24.23 chains;
thence North 44° 45′ East 17.51 chains;
thence North 67° 15′ East 32.34 chains;
thence North 87° 45′ East 32.98 chains;
thence South 59° 30′ East 48.02 chains;
thence North 74° 45′ East 24.41 chains;
thence South 47° 40′ East 24.24 chains;
thence North 67° 15′ East 13.91 chains;
thence South 3° 50′ East 13.62 chains;
thence South 76° 40′ East 9.53 chains;
thence South 8° 25′ East 24.07 chains;
thence North 71° 45′ East 23.93 chains;
thence South 22° 50′ East 14.83 chains;
thence North 89° 30′ East 35.93 chains;
thence North 40° 15′ East 10.89 chains;
thence North 86° 45′ East 25.59 chains;
thence South 89° 30′ East 34.60 chains;
thence South 79° 45′ East 24.17 chains;
thence South 12° 15′ East 12.23 chains to the Southeast Corner of Tract;
thence North 711.07 chains to the point of beginning.

the within description contains 8012.05 acres of land which are in conflict with the Cebolleta Grant, and which are included as a part of a tract hereinafter described.

All that portion of Tract No. 8 of the Cebolleta Land Grant in Valencia County, New Mexico, set off to Juan Anaya et al. (being unrepresented owners) by Decree in

Cause #6113 on the docket of the District Court in and for Bernalillo County, New Mexico, on January 21, 1905, which said portion is described as follows:

Beginning at the Southeast Corner of the Grant—

thence along the east boundary thereof North 52° 45′ East 61 chains;
thence North 22° 30′ East 58 chains;
thence North 1° 30′ West 61 chains;
thence North 27° East 60 chains;
thence North 6° 45′ East 37.10 chains;
thence West 431.66 chains;
thence South 51.57 chains;
thence West 165.77 chains to a point on the Westerly boundary of Tract No. 8 of said Grant;
thence South 197.73 chains along said westerly boundary to a point on the southerly boundary of said Grant, which point is 6.30 chains east of 13 mile corner on the South boundary of said Grant;
thence East 492.70 chains along said Southerly boundary to a point of beginning, and containing 11,839 acres.

All that portion of Tract 1 of the Cebolleta Land Grant, in Valencia County, New Mexico, decreed in severalty to A. L. Richardson by decree in Cause 6113 on the docket of the District Court in and for Bernalillo County, New Mexico, on January 21st, 1905, which lies Easterly of Sections 17, 21, 28 and 33 in Township 12 North, Range 6 West, N. M. P. M., and Easterly of Sections 4 and 9 in Township 11 North of Range 6 West, N. M. P. M., and Easterly of a line drawn directly North from the six mile Corner on the south boundary line of said Cebolleta Grant, thru Sections 15 and 22 in said Township 11 North of Range 6 West, N. M. P. M., (All sections above referred to meaning said sections when the Government Survey is extended over, upon and across said area) containing twenty-five thousand six hundred thirty-eight (25,638) acres.